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C O N F I D E N T I A L BUENOS AIRES 000172

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TAGS: PREL PGOV KJUS KWNM SNAR AR

SUBJECT: ARGENTINA: PUTTING SECURITY COOPERATION BACK ON TRACK

REF: BUENOS AIRES 124 AND PREVIOUS

Classified By: Ambassador E. Anthony Wayne for reasons  
1.4(b)and(d)

¶11. (C) Summary: Ambassador met February 12 with Minister of Justice and Security Anibal Fernandez for the first time since Miami court proceedings relating to the Antonini Wilson suitcase scandal put a chill on relations in mid-December. Ambassador reiterated that the focus of the case is on violations of U.S. laws and unlawful activities in the United States. Fernandez said he understood and that the issue is behind us. Fernandez also assured the Ambassador that any vestiges of the bilateral crisis would not affect close USG-GOA cooperation on security issues. Ambassador stressed his hope that the Argentine legislature would pass pending anti-trafficking in persons legislation, if possible with amendments addressing concerns about consent by adults. Fernandez stated there was a good chance the legislation would pass in the February special session of Congress, and that he had already instructed his federal law enforcement agencies to prepare for the new law. But the version to be passed will be the version passed by the Senate (which says consent is irrelevant only for minors). The Ambassador then urged that Fernandez and the government make clear that they will implement the law vigorously for adult and minor victims. (Later the same day, Cabinet Chief Minister Alberto Fernandez confirmed that the President had approved quickly passing the Senate version of the law in order to rapidly get a federal law in place.) Ambassador noted the planned visits in the next few weeks and months of several senior FBI and other U.S. officials and representatives, and reviewed training and cooperation plans of Embassy agencies with Argentine law enforcement agencies. End Summary.

BILATERAL RELATIONS BACK TO NORMAL

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¶12. (C) On February 12, Ambassador, A/LegAtt and PolOff met with Anibal Fernandez for the first time in his new Cabinet position as Minister of Justice, Security and Human Rights. Fernandez was the Minister of Interior under President Nestor Kirchner, with oversight of Argentina's law enforcement agencies (LEA). He maintained that portfolio when he moved to Justice. Fernandez (no relation to President Cristina Fernandez de Kirchner) was one of the Embassy's key interlocutors in the previous administration. He is also a loyal foot-soldier of the First Couple, and helped to lead the GOA's verbal assault against the USG in the immediate aftermath of the suitcase scandal, even though he told at

least one Embassy contact that he did not agree with that approach.

¶3. (C) Fernandez explained to the Ambassador that much of the criticism was political, i.e., aimed at the domestic audience. He said he understood the Ambassador's explanation that the focus of the criminal case in Miami was on unlawful activities by actors in the United States, agreed that the manner in which the case broke was unfortunate, but said there is no use "crying over spilt milk" and that the issue was behind us. Ambassador noted that, while the Embassy's operational cooperation with Argentine LEAs had continued over the past two months, some Argentine LEA counterparts were hesitant to fully engage with us as they had before, apparently because they are unsure that they have top-level clearance to do so. Fernandez assured the Ambassador that everything was normal and that he would make sure his LEAs clearly understood the message that cooperation with the USG should continue.

¶4. (U) Ambassador briefly reviewed with Fernandez proposed training and equipment donations for Argentine LEAs, including: INL-funded computers and vehicles for the Northern Border and Eastern Border anti-narcotics Task Forces, ICE-donated computers for the Federal Police's cybercrime unit (with a focus on going after internet child pornography), proposed training courses for the Gendarmeria (Border Patrol) and Prefectura Naval (Coastguard) provided through the MilGp, as well as upcoming ATA assistance. A/LegAtt noted that the FBI was still interested in sending a Gendarmeria officer to its National Academy. A candidate had been selected to begin the course in December 2007, but was pulled out by the Minister in the wake of the arrests in Miami of the undeclared Venezuelan agents. Fernandez said he was very appreciative of and greatly valued the cooperation and assistance from the USG. He said he would move immediately to nominate the Gendarmeria officer to attend the FBI training as soon as the Embassy informed him of the dates. Fernandez said he was also looking forward to meeting with a number of senior FBI officials planning trips to Buenos Aires in March and May, as briefed by the Ambassador.

#### TIP LEGISLATION ON THE HORIZON

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¶5. (SBU) Fernandez said he thought there was a good chance that long-pending anti-TIP legislation will be passed during the legislature's extraordinary session in February. (The new legislature does not begin regular sessions until March). He noted, however, that it would most likely pass with the issue of consent being irrelevant only for minors, a restriction the Embassy and anti-TIP activists and several legislators have worked hard to overcome. He explained that commercial sex workers unions and other powerful interests strongly opposed legislation that made consent irrelevant for adult trafficking victims. As a result, the only way to get the legislation passed is to make consent irrelevant only for minors. He said President Cristina Fernandez de Kirchner had approved the approach in order to get a federal law in place rapidly, and to get anti-TIP action underway. (Ambassador raised TIP with the President on January 31.) (Note: The bill passed by the Senate in December 2006 makes consent irrelevant for those under 18. While the promotion, facilitation, or exploitation of people into prostitution is illegal in Argentina, the individual act of prostitution is legal. End Note.)

¶6. (SBU) Fernandez clearly recognized this shortcoming of the anticipated legislation, but stressed that trying to establish the "perfect" law had delayed the "possible" law for over a year-and-a-half. In the meantime, he said, LEAs and prosecutors did not have the tools to go after traffickers. The GOA had established a national anti-TIP action plan, but could not implement it without the legislation. A key part of that plan is providing refuge, treatment, and other assistance to TIP victims. (Later the same day, Chief of Cabinet Minister Alberto Fernandez told the Ambassador that President Fernandez de Kirchner had

approved moving with the Senate bill in order to get federal anti-TIP legislation in place rapidly and federal action underway.)

¶17. (SBU) Ambassador noted that it might be possible to address some of the new law's shortfalls through the implementing regulations, once it comes to that stage, and urged the Minister to make this clear as the law is passed and implemented. Fernandez agreed that this was a possibility, and also did not discard the possibility of eventually amending the expected legislation to bring it more into line with international standards.

COMMENT: GO-TO GUY AND HATCHET MAN

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¶18. (C) Fernandez was very upbeat, positive, and candid in the meeting (as he generally is in private), and seemed to genuinely want to put the Miami case behind us. Perhaps because he is such a central interlocutor for the Embassy on law enforcement matters, Fernandez was one of the means by which the GOA blasted the USG over the Miami case. Fernandez seems to accept this role, which he plays on many domestic political matters, without internalizing it. His micromanagement of his large portfolio often makes his desk a bottleneck, with resulting delays for training and other issues. But when we can get his attention, he is almost always responsive and accommodating.

¶19. (C) Comment Continued: On anti-TIP legislation, it seems that the Senate anti-trafficking bill is the version that will pass, given Cristina Fernandez de Kirchner's comfortable majorities in both chambers in the Congress. While this falls short of Argentina's Palermo Protocol obligations, it does represent a positive step forward in the GOA's efforts to combat human trafficking. Anti-TIP activist Susana de Trimarco told Ambassador separately that Fernandez had assured her he will see that the TIP legislation is vigorously implemented, noting that her daughter was over 21 when taken. She said he also told her he would consider

subsequent legislation to amend the law. Fernandez told the Ambassador that he saw Trimarco as a valuable partner for the Federal Police and Gendarmeria in cracking down on trafficking rings. Post will continue to work with the GOA, provincial governments, and civil society to educate them on victim's consent in hopes that the issue can be addressed either in the implementation phase or if a future opportunity to amend the law presents itself.

WAYNE